

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CRAVER,
Petitioner,
vs.
ERNIE ROE, Warden,
Respondent.

No. C 02-04629 JF (PR)

ORDER GRANTING REQUEST FOR
RECONSIDERATION; VACATING
ORDER DENYING MOTION TO
REOPEN ACTION; LIFTING STAY
AND REOPENING ACTION

(Docket No. 24)

Petitioner, a state prisoner, filed a pro se habeas petition pursuant to 28 U.S.C. § 2254. On March 9, 2005, the Court granted Petitioner's application to hold his federal petition in abeyance and stay the proceedings pending his exhaustion of additional claims in state court. (See Docket No. 19.) The Court ordered the action stayed until thirty days after the California Supreme Court's final decision on Petitioner's remaining claims. Petitioner was instructed to file an amended petition that includes the claims from his original petition as well as newly exhausted claims within thirty days of the state high court's decision. Id.

On July 30, 2007, Petitioner filed an application to reopen this action. Attached to the motion was a copy of the California Supreme Court's decision denying his state

1 petition on February 21, 2007. The Court denied the motion to reopen this action on May
2 21, 2009, because Petitioner's motion to reopen was untimely, having been filed well
3 beyond the thirty days provided by this Court, and Petitioner failed to file an amended
4 petition with his motion as instructed by the Court.

5 On June 23, 2009, Petitioner filed a motion for reconsideration, stating that he did
6 not learn of the California Supreme Court decision until July 2007, and that he did not file
7 an amended petition because he decided not to add the newly exhausted claims. Good
8 cause appearing, Petitioner's request for reconsideration is GRANTED. (Docket No. 24.)
9 The order denying Petitioner's motion to reopen this action (Docket No. 23) is
10 VACATED.

11 The Clerk shall lift the stay and reopen the action. The Court will address the
12 merits of the petition in a separate order.

13 IT IS SO ORDERED.

14 DATED: 10-20-09

15 
16 JEREMY FOGEL
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CRAVER,
Petitioner,

Case Number: CV02-04629 JF

CERTIFICATE OF SERVICE

v.

ERNIE ROE,
Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/6/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Craver
CSP Lancaster
44750 60th street W.
Lancaster, Ca 93536

Dated: 10/6/09

Richard W. Wieking, Clerk